

*Granted as to
Count II (FMLA)
Denied as to Count I
(First Amendment Retaliation)
Callie D. King
3/27/24*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANGELICA WOODS,

Plaintiff,

v.

CITY OF ST. LOUIS, *et al.*,
Defendants.

Case No. 4:21-cv-00462-CDP

DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW
AT CLOSE OF ALL EVIDENCE

Defendant City of St. Louis ("City") and James Wilson ("Wilson") (collectively, "Defendants") aver in support of their Motion for Judgment as a Matter of Law under Rule 50 of the Federal Rules of Civil Procedure that they are entitled to a judgment as a matter of law on the claims of Plaintiff Angelica Woods ("Plaintiff"), because 1) the speech relied on by Plaintiff was not made as a private citizen concerning matters of public concern; 2) Defendant Wilson is entitled to qualified immunity, and 3) Plaintiff failed to prove all the necessary elements of her claim for FMLA interference.

I. Legal Standard

Rule 50 of the Federal Rules of Civil Procedure provides as follows:

If a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue, the court may:

- (A) resolve the issue against the party; and
- (B) grant a motion for judgment as a matter of law against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue.

Fed. R. Civ. P. 50. This Court found that two claims survived summary judgment and would go to trial: a claim for First Amendment retaliation against Defendant Wilson, and a claim for FMLA